

FILED

2005 JAN 21 PM 4:03

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

4:05 CV 00120

NANCY PARKER
240 E. Pasadena
Youngstown, OH 44507

Plaintiff

vs

GENERAL EXTRUSIONS, INC.
4040 Lake Park Road
P.O. Box 2669
Youngstown, OH 44507

Defendant

JUDGE GWIN

MAG. JUDGE GALLAS

COMPLAINT

Now comes the Plaintiff, Nancy Parker, through her attorneys, and for her Complaint states as follows:

I. Preliminary Statement

1. This action seeks declaratory, injunctive and equitable relief, compensatory and punitive damages, and attorney's fees and costs for the sex discrimination, and sexual harassment suffered by **NANCY PARKER** in her treatment while employed by Defendant, **GENERAL EXTRUSIONS, INC.**

II. Jurisdiction

2. This action arises under Title VII of the Civil Rights Act of 1964 as amended 42 U.S.C. Section 2000 et seq.; Ohio Revised Code 4112.99; and the common law of the State of Ohio.

Martin S. Hume Co., L.P.A.
Law Offices

6 Federal Plaza Central
Suite 905
Youngstown, OH 44503
Phone: (330) 746-8491
Fax: (330) 746-8493

COPIES OF COMPLAINT WERE
SERVED ON ALL PARTIES BY
AND BY THE COURTROOM CLERK
TO COUNSEL AND PLAINIFF ON 1/21/05

3. Jurisdiction over the federal issues is invoked pursuant to 28 U.S.C. 1343(4) and a right-to-sue letter was issued by the Equal Employment Opportunity Commission (EEOC) based upon a charge affidavit timely filed with the EEOC and over the state issues pursuant to the supplemental jurisdiction provided by 28 U.S.C. 1367. A copy of the right to sue letter is attached to Plaintiff's Complaint as Exhibit "A".
4. Declaratory, injunctive, and equitable relief is sought pursuant to 28 U.S.C. 2201; 2202; Title VII; Ohio Revised Code 4112.99; and the common law of the State of Ohio.
5. Compensatory and punitive damages are sought pursuant to Title VII; Ohio Revised Code 4112.99; and the common law of the State of Ohio.
6. Costs and attorney's fees may be awarded pursuant to Fed. R. Civ. P. 54, Title VII; Ohio Revised Code 4112.99; and the common law of the State of Ohio.

III. Venue

7. This action properly lies in the United States District Court, for the Northern District of Ohio, Eastern Division, pursuant to 29 U.S.C. 1391(b) and local rule, because the claim arose in this judicial district, and because the unlawful employment practice was committed in this judicial district.

IV. Parties

8. Plaintiff is a female citizen of the United States residing at 240 E. Pasadena Street, Youngstown, Ohio.
9. Defendant, GENERAL EXTRUSIONS, INC., is an employer engaged in interstate commerce throughout the United States. Defendant employs more than fifteen individuals.

V. Facts

*Martin S. Hume Co., L.P.A.
Law Offices*

*6 Federal Plaza Central
Suite 905
Youngstown, OH 44503
Phone: (330) 746-8491
Fax: (330) 746-8493*

11. Plaintiff began her employment with Defendant, GENERAL EXTRUSIONS, INC. on August 21, 2000 as a fabricator.
12. During the course of her employment, Plaintiff was subjected to gender-based harassment, sexual harassment, and a sexually hostile work environment, which included verbal comments of a lewd and sexual nature, unwelcome physical touching, derogatory references to women, male co-workers wearing torn clothing that exposed their genitals and buttocks, and the use of other obscenities.
13. Plaintiff complained of the sexually harassing and inappropriate conduct to the management of Defendant, General Extrusions, Inc.
14. Defendant, GENERAL EXTRUSIONS, INC., failed to take appropriate steps to stop the sexually harassing and inappropriate conduct and failed to maintain a workplace free of unlawful harassment.
15. Defendant, General Extrusions, Inc., failed to properly investigate Plaintiff's claims and failed to take corrective action to eliminate harassment, deter against future occurrences, and maintain a workplace free of harassment.
16. As a result of Defendant, General Extrusions, Inc.'s actions, the sexually harassing and inappropriate conduct continued to occur.
17. The sexually harassing and inappropriate conduct interfered with Plaintiff's ability to perform her job, caused her to be ostracized among her co-workers, and resulted in the need to take medical leaves of absences.
18. Plaintiff's supervisor was aware of the workplace atmosphere and the harassing and inappropriate activities toward Plaintiff but failed and refused to take action to remedy the continuing sexual harassment of Plaintiff.

*Martin S. Hume Co., L.P.A.
Law Offices*

*6 Federal Plaza Central
Suite 905
Youngstown, OH 44503
Phone: (330) 746-8491
Fax: (330) 746-8493*

19. On or about February 4, 2004, Plaintiff was constructively discharged from her employment, as no reasonable person would continue to work under the conditions to which Plaintiff was subjected.
20. Plaintiff filed a Charge of Discrimination that was investigated by the EEOC. On July 15, 2004, the EEOC issued its determination that the evidence established violations of Title VII. A copy of the Determination of the EEOC is attached hereto as Exhibit "B".
21. As a direct and proximate result of Defendant's actions, Plaintiff has incurred loss of wages, loss of benefits, loss of earning capacity, loss of future earnings, loss of future benefits, damage to her reputation, severe emotional distress, and incurred attorney fees, witness fees, and costs.

VI. First claim for relief.

22. Plaintiff restates the allegations of paragraphs 1-21 as if fully restated herein.
23. By constructively discharging Plaintiff on account of her sex and discriminating against Plaintiff on account of her sex, Defendant violated Title VII of the Civil Rights Act of 1964 as Amended.

VII. Second claim for relief.

24. Plaintiff restates the allegations of paragraphs 1-23 as if fully restated herein.
25. By allowing sexually harassing behavior to exist in the workplace and by failing to take adequate remedial measures to prevent sexually harassing behavior, Defendant violated Title VII of the Civil Rights Act of 1964 as Amended.

VIII. Third claim for relief

26. Plaintiff restates the allegations of paragraphs 1-25 as if fully restated herein.

*Martin S. Hume Co., L.P.A.
Law Offices*

*6 Federal Plaza Central
Suite 905
Youngstown, OH 44503
Phone: (330) 746-8491
Fax: (330) 746-8493*

27. By discriminating against Plaintiff on account of her sex, and allowing a sexually hostile work environment to continue to exist, Defendant violated Ohio Revised Code Chapter 4112 for which Plaintiff has a cause of action pursuant to O.R.C. 4112.99.

WHEREFORE, Plaintiff respectfully requests:

1. That the court grant injunctive relief enjoining Defendant from engaging in sexually discriminatory conduct;
2. For an award of back pay equal to the wages lost by the Plaintiff;
3. For restoration of all benefits of employment lost by the Plaintiff;
4. For an award of front pay and future benefits;
5. For reasonable compensation in excess of One Million Dollars (\$1,000,000.00)
6. For an award of punitive and exemplary damages.
7. For an award of attorney fees and costs incurred herein;
8. For such other relief as may be necessary and proper under the circumstances.

Respectfully submitted,



MARTIN S. HUME (0020422)
MARTIN S. HUME CO., L.P.A.
6 Federal Plaza Central, Suite 905
Youngstown, Ohio 44503-1506
Telephone: 330-746-8491
Fax: 330-746-8493
E-mail: mhume1@ameritech.net

MELISSA K. ROCCI
860 Boardman-Canfield Road
Suite 204
Boardman, OH 44512
Telephone: 330-729-9777
Fax: 330-758-9585

Attorneys for Plaintiff

*Martin S. Hume Co., L.P.A.
Law Offices*

*6 Federal Plaza Central
Suite 905*

*Youngstown, OH 44503
Phone: (330) 746-8491
Fax: (330) 746-8493*

JURY DEMAND

A trial by jury is hereby demanded.



MARTIN S. HUME (0020422)
MARTIN S. HUME CO., L.P.A.
6 Federal Plaza Central, Suite 905
Youngstown, Ohio 44503-1506
Telephone: 330-746-8491
Fax: 330-746-8493
E-mail: mhumel@ameritech.net

MELISSA K. ROCCI
860 Boardman-Canfield Road
Suite 204
Boardman, OH 44512

Attorneys for Plaintiff

*Martin S. Hume Co., L.P.A.
Law Offices*

*6 Federal Plaza Central
Suite 905
Youngstown, OH 44503
Phone: (330) 746-8491
Fax: (330) 746-8493*